

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. NO. 04-CV-10521-GAO

BETTY ANNE WATERS, as Administratrix of the
Estate of KENNETH WATERS,

Plaintiff

v.

TOWN OF AYER, NANCY TAYLOR-HARRIS,
in Her Individual Capacity, ARTHUR BOISSEAU,
In His Individual Capacity and PHILIP L.
CONNORS, in His Individual Capacity,

Defendants

DEFENDANTS' MOTION TO
AMEND SCHEDULING ORDER

Now come the defendants to the above-captioned case and hereby respectfully move that the Court amend its October 17, 2007 Scheduling Order to extend the time for the defendants to reply to Plaintiff's Oppositions to Defendants' Motions for Summary Judgment, Plaintiff's Statement of Disputed Material Facts Pursuant to Local Rule 56.1, Plaintiff's Oppositions to Defendants' Motions to Strike Plaintiff's Police Practices and Fingerprint Expert Witnesses and Plaintiff's Response to Defendants' L.R. 56.1 Statement of Material Facts in Dispute by two weeks to June 2, 2008.

As grounds for this Motion, the defendants rely on the within Statement of Reasons.

STATEMENT OF REASONS

1. On April 24, 2008, defendants Town of Ayer, William Adamson, Arthur Boisseau, Nancy Taylor-Harris and Philip Connors, (collectively "the defendants") filed their Motions for Summary Judgment.
2. On May 27, 2008, plaintiff filed her Oppositions to Defendants' Motions for Summary Judgment, Plaintiff's Statement of Disputed Material Facts Pursuant to Local Rule 56.1,

Plaintiff's Oppositions to Defendants' Motions to Strike Plaintiff's Police Practices and Fingerprint Expert Witnesses and Plaintiff's Response to Defendants' L.R. 56.1 Statement of Material Facts in Dispute.¹

3. Plaintiff's filings included: four (4) Oppositions to Defendants' Motions for Summary Judgment, including a fifty-five (55) page Memorandum in Opposition to Defendant Nancy Taylor's Motion for Summary Judgment, a twenty-three (23) page Memorandum in Opposition to the Town of Ayer's Motion for Summary Judgment, a fourteen (14) page Memorandum in Opposition to Defendant Philip Connors' Motion for Summary Judgment and a thirteen (13) page Memorandum in Opposition to Defendant Boisseau's Motion for Summary Judgment, as well as Oppositions to Defendants' Motions to Strike Plaintiff's Police Practices and Fingerprint Expert Witnesses, a forty-one (41) page response to Defendants' L.R. 56.1 Statement of Material Facts Not in Dispute and Plaintiff's Statement of Disputed Material Facts Pursuant to Local Rule 56.1, which is a eighty-five (85) page 377 paragraph pleading that references 100 lengthy exhibits.
4. In response to plaintiff's voluminous pleadings, the defendants must closely analyze the allegations contained therein and evaluate the accuracy of plaintiff's factual allegations to stem the pervasive and ongoing threat of misrepresentation that requires briefing in reply.
5. This task requires a significant amount of time to which defendants could not have anticipated prior to the filing of plaintiff's pleadings on May 27, 2008 and the defendants' review of such documents last week.
6. Moreover, defense counsel in this case is also engaged in the case of Maher v. Town of Ayer, et al., C.A. NO. 06-CV-10514-RGS. Fact discovery for the Maher case ends on

¹ Plaintiff did not file an opposition to Defendant William Adamson's Motion for Summary Judgment and a Stipulation of Dismissal of all claims against Defendant Adamson was filed on May 27, 2008 (Docket Entry 172).

June 6, 2008 and defense counsel, including lead counsel, has been engaged in depositions in the Maher case during the week of May 27, 2008, as well as the week of June 2, 2008.

7. Due to the impending fact discovery deadline and depositions scheduled this week in the Maher case, additional time is necessary for defense counsel to adequately and thoroughly respond to plaintiff's lengthy pleadings filed on May 27, 2008.
8. No trial date has been set in this case and the defendants state that enlarging the Scheduling Order for the time requested will not prejudice any party or significantly delay a final resolution of this matter.

WHEREFORE, the defendants respectfully request that the time for filing replies to Plaintiff's Oppositions to Defendants' Motions for Summary Judgment, Plaintiff's Statement of Disputed Material Facts Pursuant to Local Rule 56.1, Plaintiff's Oppositions to Defendants' Motions to Strike Plaintiff's Police Practices and Fingerprint Expert Witnesses and Plaintiff's Response to Defendants' L.R. 56.1 Statement of Material Facts in Dispute be extended two-weeks from June 10, 2008 to June 24, 2008.

DEFENDANTS,

By their attorneys,

/s/Gregg J. Corbo
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